



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Approval of Special Allocation for Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation (\$188,010.18)

MEETING DATE: August 4, 2004 City Council Meeting


PREPARED BY: Steve Schwabauer, City Attorney

RECOMMENDED ACTION: That the City Council approve a Special Allocation for expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation in the amount of \$188,010.18.

BACKGROUND INFORMATION: As you know, the law firms of Barger & Wolen and Kronick, Moskovitz, Tiedemann & Girard were hired to perform services in relation to the Environmental Abatement litigation. Listed below are invoices from those two firms along with other miscellaneous invoices that are currently outstanding and need to be approved for payment:

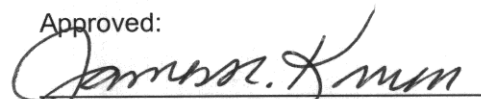
- 1) **Barger & Wolen**
Invoice #200282.25 for Professional Services for the Period April 1-April 30, 2004 \$ 98,836.20 **Subject to Discussion**
 - 2) **Kronick, Moskovitz, Tiedemann & Girard**
Invoice #214003 for Litigation Support (Docket Clerk) for the Period March 1-April 25, 2004 \$ 4,428.00

Invoice #213990 for Professional Services for the Period April 26-May 25, 2004 \$ 65,336.93
 - 3) **JAMS** (Mediation Service) \$ 17,795.13
 - 4) **PES Environmental** for Deposition Testimony of Keith O'Brien in June 2003 \$ 450.00
 - 5) **Superior Photocopy Service** (Copies of San Joaquin County Records) \$ 1,163.92
- Total \$188,010.18**



Stephen Schwabauer
City Attorney

FUNDING: Water Fund 183453.7323 \$174,486.93
City Attorney 100351.7323 \$ 13,523.25

Approved:


Jim Krueger, Finance Director

APPROVED:


H. Dixon Flynn, City Manager